

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RONALD G. BROWN, in his capacity as
Chapter 7 Trustee in U.S. Bankruptcy Court,
for and on behalf of RENE GUTIERREZ,

Plaintiff,

v.

AMICA MUTUAL INSURANCE
COMPANY, a foreign insurer doing business
in Washington,

Defendant.

CASE NO. 2:23-cv-00118-JHC

ORDER

This matter comes before the Court on the parties' responses (Dkts. ## 7, 8) to the Court's February 3, 2023 Order to Show Cause (Dkt. # 6). Having considered the responses, the applicable case law, and the case file, the Court hereby REMANDS this action to state court.

The parties dispute whether the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. *See* 28 U.S.C. § 1332(a). This case was initially filed in state court and subsequently removed by Defendant. Dkt. # 1. As such, there is a "strong presumption that the plaintiff has not claimed a large amount in order to confer jurisdiction on a federal court or that the parties have colluded to that end." *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 290 (1938). Any doubts about removability are resolved in favor of remanding the case to

1 state court. *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108-09 (1941); *Gaus v. Miles,*
2 *Inc.*, 980 F.2d 564, 566 (9th Cir. 1992).

3 Defendant submits evidence that Plaintiff has at several points demanded the full policy
4 limit of \$300,000.00. Dkt. # 9. But they have not shown that Plaintiff's demand is a "reasonable
5 estimate" of the value of the claim. *Cohn v. Petsmart, Inc.*, 281 F.3d 837, 840 (9th Cir. 2002).
6 Defendant concedes that Plaintiff's medical expenses incurred as of the date of removal do not
7 exceed \$19,445.23. Dkt. # 1 at 3. *See* 28 U.S.C. § 1446(b) (The existence of federal jurisdiction
8 is determined at the time of removal). Defendant cites to several of Plaintiff's "estimates" of
9 future medical expenses but these estimates total approximately \$45,000.00. Dkt. # 1 at 3.
10 Defendant's remaining arguments regarding the amount in controversy simply reference the
11 nature of damages and fees sought but do not provide factual support for any specific monetary
12 amounts. *See generally* Dkts, ## 1, 8. The Court concludes that these arguments, combined with
13 the evidence in the record, do not resolve all doubts regarding removability.

14 Accordingly, the Court REMANDS this action to state court. The Court does not award
15 attorney fees and costs incurred in the filing of Plaintiff's response.

16 Dated this 16th day of February, 2023.

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19 John H. Chun
20 United States District Judge
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